Page 2 of the Action maintains the previous rejections of claims 1-8 and 10-20 under 35

U.S.C. § 102(e) as being anticipated by Todd, U.S. Patent No. 5,867,714 (Hereinafter "Todd").

The rejections are addressed and traversed below.

First, it is noted that the final Office Action is nonresponsive in that the rejections of

claims 14 and 15 do not address the new features added in the previous amendment. Claim 14

was amended to recite, "the vendor terminal apparatus can use the user registration

information from a user of a product of a different vendor rather than the vendor itself." Claim

15 was amended similarly. The Office Action does not state where this feature is found in the

applied reference. The Applicant submits these features are not disclosed by Todd.

Further, in the previously filed Amendment, the Applicant stated:

**Todd discloses a system which detects and avoids faults or conflicts stemming
from hardware and software configurations in a computer system. A computer's current
hardware and software is transmitted to a remote location and stored for backup
storage, in case the computer itself crashes. If the computer crashes, the remote
location transmits the stored information to a database which can resolve conflicts and
transmit back a resolution of the problem, which may include a software fix to be
executed on the disabled computer. After communications circuitry receives the
software revisions, processing circuitry in the computer system modifies the current
software configuration according to the received software revisions.**

**Claim 1 recites, "the user registration information, also comprising a number of
times a particular software product is used by the user, is transmitted from the user
information general management means to a different vendor other than the software
product's vendor."**

**In Todd, the database stores information from a number of vendors, and
information (such as software fixes) is transmitted from the vendor to the database.
Todd does disclose using patter tracking data which a manufacturer can use to target its
customer base with appropriate advertising. However, Todd does not disclose that
information is transmitted from the database to a different vendor (or manufacturer)
other than the manufacturer of a particular product.**

**This is verified in Todd, column 4, line 37, which states, "As will be explained in
greater detail below, the present invention may be employed to allow a manufacturer to
track how its customers are using their computers, giving the manufacturer specific
access and insight to its customers' needs and allowing the manufacturer to target its
customer base with appropriate advertising." (Emphasis added).**

**The terminology used in Todd cited above does not disclose a system as claimed
in claim 1, wherein information "is transmitted from the user information general**

management means to a different vendor other than the software product's vendor."
Note the use in <u>Todd</u> of "a manufacturer" and then "the manufacturer." Transmitting
information to a different manufacturer is not disclosed.

   <u>Todd</u>, column 12, lines 43-65 also relates to the marketing aspects of <u>Todd</u>.
However, nothing is stated which discloses the above quoted feature. It is disclosed
that a remote data source can be the subject of a subscription based service; in other
words, a remote system can choose to receive information. However, nothing is
disclosed about transmitting user registration information to other manufacturers.
Further, the remote data source is not a vendor. Moreover, the Figures in <u>Todd</u> do not
illustrate the manufacturers, and thus cannot be used to anticipate the "different
vendor" feature, as claimed in claim 1.

   Therefore, <u>Todd</u> does not disclose the above quoted feature of claim 1, namely
that, "the user registration information, also comprising a number of times a particular
software product is used by the user, is transmitted from the user information general
management means to a different vendor other than the software product's vendor", and
thus <u>Todd</u> cannot render claim 1 unpatentable. For <u>Todd</u> to disclose this feature, <u>Todd</u>
would have to disclose (in the very least) a communication from the database (user
information general management means) to a manufacturer other than a vendor of a
registered software product. If the Examiner wishes to maintain the above rejection, the
Applicant respectfully requests the Examiner to point out exactly where in <u>Todd</u> the
above described feature is explicitly stated.

   Independent claims 10-16 and 18-19, in view of the above remarks, are also not
anticipated by <u>Todd</u>.

   Page 5 of the Office Action contains the Examiner's Response to the above arguments.

The Examiner states, "However, <u>Todd</u> does not disclose that the manufacturer/vendor can <u>only</u>

receive data pertaining to its own products in use by the users. Since the remote data source

has registration and tracking information pertaining to <u>all</u> of the hardware and software products

on the user's computer system, **it is inferred** that this information (to include information about

competitor's products) is available to all of the manufacturer/vendor using the system. Since

there is no mechanism disclosed for sorting the data being collected by

manufacturer/vendor, **such a limitation cannot be read into the disclosure of the** <u>Todd</u>

invention. . . . Since the information is being collected by the remote data source, not the

manufacturer, **it is inherent** that the information is being transferred to the manufacturer. . ."

The Applicant appreciates the Examiner's point of view, but the Applicant submits that the Examiner's arguments are not adequate to support a rejection under 35 U.S.C. § 102.

MPEP 2131.01 states that, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim."

The Examiner states in his response that "it is inferred that this information (to include information about competitor's products) is available to all of the manufacturer/vendor using the system." An inference is not a valid basis for an anticipation rejection.

Further, the Examiner also states that, "Since there is no mechanism disclosed for sorting the data being collected by manufacturer/vendor, such a limitation cannot be read into the disclosure of the Todd invention." It is therefore agreed that Todd is silent regarding the sorting and distribution of the data being collected. Thus, if "such a limitation [the non-disclosure of 'user registration information. . . is transmitted from the user information general management means to a different vendor other than the software product's vendor'] cannot be read into the disclosure" by the Applicant, then certainly the disclosure of this feature also cannot be read into Todd. Therefore, the anticipation rejection fails.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. W.L. Gore & Associates v. Garlock, Inc., 220 USPQ at 313.

Further, "under 35 U.S.C. § 102, anticipation requires that . . . the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. Akzo N.V. v. US Int'l Trade Comm'n, 8008 F.2d 1471, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

The Applicant asserts that the Examiner's statements that, "it is inferred that this information (to include information about competitor's products) is available to all of the manufacturer/vendor using the system" affirms the <u>Todd</u> does not disclose the claimed feature, because otherwise it would not have to be "inferred." If this feature has to be "inferred" from <u>Todd</u>, <u>Todd</u> is clearly not enabling for this feature. Teaching how to make and use an invention must be explicit, not "inferred." Further, the Examiner also states that, "there is no mechanism disclosed for sorting the data." If no such mechanism is disclosed in <u>Todd</u>, than a feature describing such a mechanism clearly cannot be enabled by <u>Todd</u>.

Further, the Examiner states, "Since the information is being collected by the remote data source, not the manufacturer, **it is inherent** that the information is being transferred to the manufacturer. . ." The Applicant states that it is clearly not inherent that user registration information. . . is transmitted from the user information general management means to a **different** vendor other than the software product's vendor. If something is inherent in a disclose, it **must** be present. The claimed feature in question is an extra feature that is not disclosed or needed in <u>Todd</u>. Therefore, it is not inherent.

Therefore, in view of all of the above, the Applicant submits that the independent claims are not anticipated by <u>Todd</u>. Further, it is also noted for the record that nothing in <u>Todd</u> suggests the above-mentioned features either.

In view of the above, withdrawal of the 35 U.S.C. § 102 rejections based upon <u>Todd</u> is respectfully requested.
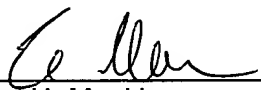
III. CONCLUSION

If the Examiner has any remaining informalities to be addressed, it is believed that

prosecution can be expedited by the Examiner contacting the undersigned attorney for a

telephone interview to discuss resolution of such informalities.

If any further fees are required in connection with the filing of this Amendment, please

charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _9/75/0~_   By: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

None of the claims are amended. Nevertheless, for the convenience of the Examiner, all of the pending claims are reproduced below:

1. (AS SIX TIMES AMENDED) A computer implemented management system, which manages registration of computer-related products, including hardware and software products, comprising:

a user information general management means, generally managing user registration information, about users of hardware and software products, and using status information thereof transmitted from the user; and

a user registration/reference means that interfaces with the users notifying said user information general management means of the user registration information and the using status information at a request of the user and the using status information,

wherein the user registration information comprises personal information about each user containing an identification number of each user and registration information containing a type of information which is requested by the users with regard to the computer-related products, said type of information can include information about products which can be used in combination with products that are used by the users and available from a plurality of vendors, and said type of information further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user, and

new information about the computer-related products from a vendor side of the computer-related products is extracted, depending on information extraction condition containing a requested information type in the registration information, and is transmitted to said user registration/reference means from said user information general management means to provide the new information, and

the user registration information, also comprising a number of times a particular software product is used by the user, is transmitted from the user information general management means to a different vendor other than the software product's vendor.

2.   (AS ONCE AMENDED) The system according to claim 1, wherein

said user registration/reference means requests at a request from the user said user information general management means to provide new information about the computer-related product from a vendor of the computer-related product.

3.   (AS ONCE AMENDED) The system according to claim 1, wherein the computer-related product is a software product, and said user registration/reference means is common to each of a plurality of software products;

when any of the plurality of software products is installed by a user, the user registration/reference means is also installed; and

after installation, said user registration/reference means issues a notification about the user registration information and using status information for the plurality of software products which are installed, and submits a request for new information about the software product.

4.   (AS ONCE AMENDED) The system according to claim 1, wherein said user registration information comprises:

personal information about each user including an identification number of each user; and

registration information containing a type of information requested by the user about a computer related product; and

said user information general management means extracts the new information depending on information extraction condition containing a requested information type in the registration information at a request for new information about a computer-related product from said user registration/reference means, and transmits the new information to said user registration/reference means.

5.   (AS ONCE AMENDED) The system according to claim 1, wherein the computer-related product is a software product and the using status information contains the number of times the software product was started; and

said user information general management means transmits new information about the software product to said user registration/reference means depending on the number of times the software product was started.

6.   (AS ONCE AMENDED) The system according to claim 1, wherein the computer-related product is a software product and the using status information contains the number of times the software product was started; and

said user registration/reference means requests said user information general management means to provide new information about the software product when the number of times the software product was started has reached a predetermined value.

7.   (AS ONCE AMENDED) The system according to claim 1, further comprising:

a vendor registration/reference means for obtaining the user registration information and the using status information from said user information general management means, and notifying said user information general management means of new information about the computer-related product.

8.   (AS ONCE AMENDED) The system according to claim 7, wherein the user registration information contains a type of information, requested by a user, about a computer-related product;

said vendor registration/reference means specifies a type of new information when new information about the computer-related product is available; and

said user information general management means compares the type of information requested by the user with the type specified by the vendor registration/reference means, and when both types coincide, transmits the new information to said user registration/reference means at a request from said user registration/reference means when the requested information is available.

10.   (AS FIVE TIMES AMENDED) A management apparatus which manages user information about a computer-related product used by a user terminal connected through a network, comprising:

a user information general management means for managing using status information and a requested information type provided by the user terminal about a product used by a user;

a product information management means for managing product information provided by a vendor of the computer-related product including product information about additional products that can be used with a particular product; and

a product information notification means for referring to a product used by each user managed by said user information general management means and for providing product information managed by said product information management means about a product used by a user which corresponds to the products available from a plurality of vendors that can be used with the product used by the user and match the user's requested information type, wherein said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user, and

the using status information, also comprising a number of times a particular software product is used by the user, is transmitted to a different vendor other than the software product's vendor.

11.   (AS FIVE TIMES AMENDED) A computer-readable storage medium encoded with software to cause a computer to perform the actions of:

managing using status information and a requested information type provided by a user terminal about a product used by a user;

managing product information provided by a computer-related product vendor including product information about additional products available from a plurality of vendors that can be used with a particular product, wherein said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user;

referring to the using status information and providing product information about additional products that can be used with the product used by a user and which corresponds to the requested information type at a product information request from the user terminal; and

transmitting the using status information, comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

12. (AS FIVE TIMES AMENDED) A user terminal apparatus comprising:

a user information notification means for notifying an external unit of user registration information and using status information including a product used by a user and a requested information type about the computer-related product; and

a product information reference means for requesting an external unit for new information about the computer-related product which corresponds to the requested information type from a computer-related product vendor and information on additional products available from a plurality of vendors that can be used with the product used by the user, and said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user,

a using status transmitting means transmitting the using status information, comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

13. (AS SIX TIMES AMENDED) A computer-readable storage medium encoded with software for causing a computer to perform the actions of:

notifying an external unit of user registration information and using status information including a product used by a user and a requested information type about a computer-related product used by a user; and

requesting an external unit for new information about the computer-related product which corresponds to the requested information type from a vendor of the computer related product and information on additional products available from a plurality of vendors that can be used with the product used by the user, and said requested information type further signifies a

difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user,

transmitting the using status information, also comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

14.   (AS SEVEN TIMES AMENDED) A vendor terminal apparatus comprising:

a user information reference means for obtaining, from an external unit, user registration information including a requested information type and using status information including a product used by the user transmitted from a user of a computer-related product; and

a product information notification means for notifying an external unit of new information about the computer-related product, if the new information about the computer-related product corresponds to the requested information type, the new information including additional products available from a plurality of vendors that can be used with the product used by the user, and said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user,

a using status information receiving means receiving the using status information, also comprising a number of times a particular software product is used by the user,

wherein, the vendor terminal apparatus can use the user registration information from a user of a product of a different vendor rather than the vendor itself.

15.   (AS SEVEN TIMES AMENDED) A computer-readable storage medium encoded with software to cause a computer to perform the actions of:

obtaining, from an external unit, user registration information including a requested information type, and using status information including a product used by a user, transmitted from the user of a computer-related product;

notifying an external unit of new information about the computer-related product, if the new information about the computer-related product corresponds to the requested information

type, the new information including additional products available from a plurality of vendors that can be used with the product used by the user, and said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user; and

receiving the using status information, comprising a number of times a particular software product is used by the user,

wherein, the computer-readable storage medium is used by a computer that can use the user registration information from a user of a product of a different vendor rather than the vendor itself.

16.   (AS FOUR TIMES AMENDED) A computer implemented management system, which manages registration of computer-related products, comprising:

a user information general management module generally managing user registration information including a requested information type, and using status information including a product used by a user, transmitted from a user of the computer-related product; and

a user registration/reference module that interfaces with a user of the computer-related products notifying said user information general management module of the user registration information and the using status information and information about additional products available from a plurality of vendors that can be used with the product used by the user at a request of the user who uses a computer-related product related to the user registration information and the using status information and which corresponds to the requested information type, wherein said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user,

a using status information module transmitting the using status information, also comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

17.   (AS UNAMENDED) The system according to claim 16, wherein

the computer-related product is a software product, and said user registration/reference module is common to each of a plurality of software products;

when any of the plurality of software products is installed by a user, the user registration/reference module is also installed; and

after installation, said user registration/reference means issues a notification about the user registration information and using status information for the plurality of software products which are installed, and submits a request for new information about the software product.

18.   (AS FOUR TIMES AMENDED)   A user registration center managing and distributing information provided by both a user and a vendor comprising:

a database receiving, from the vendor product information about a product and additional product information about additional products that can be used with the product;

the database receiving, from the user, user information which includes a product used by the user and a requested information type from the user; and

a distributing module, automatically distributing to the user, additional product information corresponding to the additional products available from a plurality of vendors that can be used with the product used by the user and which match the user's requested information type, wherein said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user,

a using status information module transmitting the user information, also comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

19.   (AS FOUR TIMES AMENDED) A method of managing and distributing information provided by both a user and a vendor comprising:

receiving, from the vendor, product information about a product and additional product information about additional products that can be used with the product;

receiving, from the user, user information which includes a product used by the user and a requested information type from the user;

storing the product information about a product and additional product information about products available from a plurality of vendors that can be used with the product and the user information which includes a product user by the user and the requested information type from the user, all in a database, wherein said requested information type further signifies a difference in vendor of said products that can be used in combination with products that are used by the user, in terms of whether the vendor is the same or not with the vendor of the products that are used by the user;

distributing the additional product information to a user automatically corresponding to the additional products that can be used with the product used by the user and which match the user's requested information type; and

distributing the user information, also comprising a number of times a particular software product is used by the user, to a different vendor other than the software product's vendor.

20. (AS TWICE AMENDED) The additional product information distributed to the user as claimed in claim 18, wherein said additional product information distributed to the user includes a plurality of product information correlating to products used by the user as indicated by the user information.